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Counsel for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CITY OF WARWICK RETIREMENT
SYSTEM, Individually and on behalf of all
others similarly situated,

Plaintiff,

v.

CATALENT, INC., JOHN CHIMINSKI,
ALESSANDRO MASELLI, and THOMAS
CASTELLANO,

Defendants.

Case No. 3:23-cv-01108-RK-DEA

Hon. Judge Robert Kirsch
District Judge

Hon. Douglas E. Arpert
Magistrate Judge

**STIPULATION AND
[PROPOSED] ORDER
REGARDING FILING OF
CONSOLIDATED
COMPLAINT AND MOTION
TO DISMISS**

Plaintiff City of Warwick Retirement System (“Plaintiff”), and defendants Catalent, Inc., John Chiminski, Alessandro Maselli, and Thomas Castellano (collectively, “Defendants,”) hereby stipulate and agree as follows and jointly request that the Court enter the below order approving this stipulation:

WHEREAS, on February 24, 2023, Plaintiff, individually and on behalf of all others similarly situated, filed a complaint (the “Complaint”) against Defendants asserting claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”) (*see* ECF No. 1);

WHEREAS, Defendants have either been served with process or hereby agree to accept service through their counsel of record indicated below, without waiver of any defenses apart from sufficiency of service of process;

WHEREAS, the Complaint is governed by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4 *et. seq.*;

WHEREAS, the PSLRA provides a procedure for the appointment by the Court of a lead plaintiff and lead counsel to represent the putative class pursuant to motion practice, 15 U.S.C. § 78u-4(a)(3), and applications for lead plaintiff and lead counsel were due to be filed on April 25, 2023;

WHEREAS, lead plaintiff and lead counsel will not be appointed until after the completion of briefing on the filed lead plaintiff motions, at which time the

parties anticipate that the court-appointed lead plaintiff will either file an amended complaint or stand on the existing Complaint filed herein;

WHEREAS, no party has previously requested or received an extension of time to answer or otherwise respond to the Complaint in the above-captioned action; and

WHEREAS, in order to avoid unnecessary expense to the parties and unnecessary expenditure of time by the Court prior to the appointment of lead plaintiff and lead counsel and the filing of an amended complaint or the designation of an operative complaint, the parties have agreed, subject to the Court's approval, to relieve Defendants of the obligation of responding to the current Complaint, and to plan to set a schedule for the filing of an amended complaint or designation of an operative complaint and Defendants' responses thereto;

IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel on behalf of Plaintiff and Defendants, that:

(a) Undersigned counsel for Defendants is authorized to accept, and hereby does accept, service of the summonses and Complaint in this matter on behalf of Defendants, without prejudice and without waiver of any of Defendants' defenses, objections, or arguments, except as to sufficiency of service of process;

(b) Defendants are not required to answer, move against, or otherwise respond to Plaintiff's initial Complaint unless it is designated as the operative complaint by the Court-appointed lead plaintiff;

(c) Within fourteen (14) days of appointment of Lead Plaintiff pursuant to 15 U.S.C. § 78u-4, counsel for the Court-appointed Lead Plaintiff and Defendants shall meet and confer regarding scheduling and shall submit a stipulation for the Court's approval with the parties' proposed schedule for the filing of an amended class action complaint (if any) and the filing of any motion to dismiss; and

(d) Nothing herein shall be deemed to constitute a waiver of, and the Defendants do not waive and expressly preserve, all arguments and defenses in the above-captioned action.

Dated: May 25, 2023

Labaton Sucharow LLP

/s/ Joseph N. Cotilletta (047092011)

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Respectfully submitted,

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Counsel for Defendants

SO ORDERED this ____ day of _____, 2023

Honorable Robert Kirsch
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2023, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses of all counsel of record.

DATED: May 25, 2023

/s/ Joseph N. Cotilletta

Joseph N. Cotilletta